

**MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 1, 2005, 8:00 p.m.

MEETING

The Meeting of the City Council was called to order by Mayor Pro Tempore Jimenez at 8:00 p.m., followed by the Pledge of Allegiance led by Mayor Pro Tempore Jimenez.

ROLL CALL

Present: COUNCIL MEMBERS Quirk, Halliday, Ward, Dowling, Henson
MAYOR PRO TEMPORE Jimenez
Absent: MAYOR Cooper

PRESENTATIONS:

Business Recognition Award

The City of Hayward presented the Business Recognition Award for February 2005 to Segale Bros. Wood Products, Inc. for contributions made by: investing in our community by moving their manufacturing facility to Hayward; providing job opportunities to local residents; and attracting positive attention to Hayward.

Segale Bros. Wood Products, Inc., a manufacturer of wood products such as custom cabinets, cabinet re-facing, closet and garage systems, home office systems and entertainment systems, was founded in 1976 by Donald Segale. In early 2003, Donald moved his business from Menlo Park to 1705 Sabre Street. Since moving to Hayward, Segale Wood Products has grown from 40 employees to 55.

Mr. Donald Segale, President and Chief Executive Officer, and Ms. Christine Segale, Chief Financial Officer, accepted the award and thanked Council for such an honor and recognition. Mr. Segale also commended Ms. Sally Porfido for her excellent customer service.

Pride in Hayward Award

Mayor Pro Tempore Jimenez presented the January Pride in Hayward Award to the following Hayward residents: Delano and Deloris Demps from the Glen Eden Neighborhood; Luzon Hanson from the Mt. Eden Neighborhood; Gary and Shirley Olund from the Southgate Neighborhood; George and Anna Collins from the Mission Garin Neighborhood; and Ronald and Winifred Moniz from the Tennyson Alquire Neighborhood. He thanked each for taking pride in their homes and adding to the beauty of the City of Hayward.

PUBLIC COMMENTS

John Kyle commented on airport issues.

Melba Bertush spoke in favor of naming Fire Station #1 in honor of Mayor Pro Tem Jimenez. She commented on his contributions to this community and recognized him as an 'icon' for this City.

Simone Jimenez spoke in support of renaming the Fire Station #1 in honor of her husband. She indicated that the naming in his honor would be the culmination of the many honors already received.

Jason Moreno referenced some photos that he showed of debris and mattresses on Darwin Street. He inquired on the responsibility of the lighting at Albertson's and noted that the lights have been on during the day.

City Manager Armas stated that the Redevelopment Agency is responsible for it and that staff would investigate that.

Al Reynolds asked if there will be a meeting on Wednesday to discuss the CATS proposal related to the Route 238 project.

City Manager Armas responded that there is a meeting of the Route 238 Working Group scheduled in Room 2A on Wednesday.

Dr. Marion Sanchez spoke in favor of Council Member Jimenez and naming Fire Station #1 in his honor. He also suggested that more positive sounding statements replace those that are displayed on the screen during Public Comments. He suggested the following replace what is currently displayed: "Please limit your comments to three minutes or if representing a group to five minutes. We thank you for your information and respectful comments. Your Mayor and Council Members."

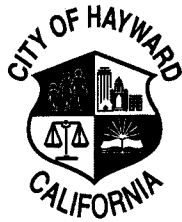
Harry Bruno spoke in favor of re-naming Fire Station #1 and shared his first experience in meeting Mr. Jimenez as Fire Chief.

Francisco Zermeño commented on the renaming of Cal State and Fire Station #1.

Samuel E. Fuenzalida spoke in favor of naming Fire Station #1 after Mayor Pro Tempore Jimenez, noting his leadership and encouragement to young people.

Barbara Heringer-Swarr announced the program that counters recruiting by the military in high schools. She also announced the Chabot College Progressive Video Series in Room 916 and announced a Redevelopment discussion that will take place soon.

Alan J. Ross spoke on his concerns regarding services for the homeless and had previously distributed a report that he prepared.



**MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 1, 2005, 8:00 p.m.

CONSENT

1. Approval of the Minutes of the City Council Meeting of January 18, 2005.

It was moved by Council Member Halliday, seconded by Council Member Ward, and carried with Mayor Cooper absent, to approve the minutes of the City Council Meeting of January 18, 2005.

HEARINGS

2. Zone Change Application No. PL-2003-0657 – Site Plan Review PL-2003-0634 – Tentative Tract Map Application PL-2003-0658 (TTM 7498), an Amendment to the Hayward Cannery Area Design Plan and a Vacation of a Portion of Amador Street – Braddock & Logan (Applicant) / Select Foods, Inc. (Owner) – Request to Construct 112 Dwelling Units – The Project is Located at 22600, 22700, 22840, and 22885 Amador Street

Staff report submitted by Planning Manager Dyana Anderly, dated February 1, 2005, was filed.

Planning Manager Anderly depicted the area for this site that revises the Cannery Area Design Plan and reviewed the report.

Council concerns included whether retail sites are within the development, whether inclusionary housing is part of this project, and whether this project establishes a pedestrian transit area. There also was concern regarding 'view issues' in the area that is part of the development underneath the A Street overpass.

City Manager Armas responded that there is potential for two retail sites of 5,000 square feet each to provide services for residents. He noted that this housing project submitted its application prior to the ordinance that requires inclusionary housing.

Planning Manager Anderly reported that there are two lots that are approximately 23 feet underneath the A Street overpass that will be an area for the recreational activities and garages for these homes. She stated that there are several options to grow plants that need limited lighting or grown in pots. It was noted that this area is part of the subdivision and would be the responsibility of the homeowners association, while the overpass is the responsibility of the City.

Council Member Halliday commented on the mitigations in the EIR and asked about the removal of contaminated soils from this project. It was noted that the Hazardous Materials Unit of the Fire Department has reviewed the report along with County staff. She noted that thresholds for contaminants are higher for residential development than for industrial uses. The soil will be cleaned and any additional soil brought in, as the area is within the Flood Plain zone, will also be cleaned.

City Manager Armas reiterated that there is an obligation for any community that has a redevelopment area to fulfill certain housing goals. For the City of Hayward, it includes the downtown and the Mission Corridor. The City has made some headway in addressing its redevelopment obligations including the homes that are being built across from the Library Square and the funding for the Sara Conner project in the Fairway Park area. The City's Redevelopment Agency is obligated to meet housing requirements for the full spectrum of household incomes. Most agencies provide appropriate rental housing for low income and provide ownership opportunities for both low and moderate income households. The entire Cannery Plan project will show market rate, an integration of affordable rental opportunities as well as ownership. With the inclusionary ordinance, the City is afforded the opportunity to seek moderate income opportunities in other areas of the City outside the Redevelopment Agency boundaries. He noted the moderate housing price of \$265,000 for a unit in the development across from the library. Homes will be preserved in that status under the inclusionary ordinance for over forty years. He felt that the City is addressing its housing goals.

Council Member Quirk expressed concern in adding a feature as a water fountain during a period of drought in the future and its maintenance. He suggested a gazebo and thought that this would be more of a gathering area. He asked about the drought tolerant ordinance. He stated that he talked with Jim Sullivan and Robert Sakai, representatives of this development.

Planning Manager Anderly responded that the 'feature' is part of the precise plan and is still in the conception stage. She did note that due to the number of encroachments there are limited opportunities for placement of art work; a gazebo would be too large. She noted that the common areas will be owned by the homeowners' association and that maintenance would be part of this.

Council Member Ward reported that he also met with the developers. He asked that staff provide a response on the issue of school children that this development could bring and the timeline for the completion of the new Burbank. He also asked about truck traffic as this is an industrial zone and issues related to noise. He asked if the applicant has conducted any noise studies as this is approximate to industrial uses. Lastly, he asked about the open space in this development.

In response, Planning Manager Anderly informed the Council that this development is in the area of Park Elementary school, which is a year round school or Burbank Elementary. This development could generate approximately 25 students. The developer has presented both a noise and vibration study and is working to mitigate and address those issues so that the interiors meet the City's noise standards. Another noise study will be conducted to insure all mitigation issues are resolved prior to the final precise plan. In regards to open space, she reported that the development does exceed the requirements.

In response to Council Member Ward's questions, City Manager Armas indicated that HARD is considering a reconfiguration of Centennial Park in order to allow Amador Street to be extended through and connect through the park to benefit students walking to Park School. He indicated that the school district has reported a decline in enrollment and could accept students from this development and is currently developing a district-wide boundaries study. City Manager Armas stated that in the past, El Dorado neighbors complained of truck traffic from Select Foods and



**MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 1, 2005, 8:00 p.m.

staff was able to assist in resolving their issues. This development eliminates that truck traffic in this area.

Council Member Dowling asked about trash enclosures. It was noted that each homeowner is responsible for maintaining trash and recycling bins.

Council Member Quirk noted that there are units with one car garages in this area and inquired on the ordinance that forbids tandem parking. It was noted that tandem parking is allowed in the downtown area. There is an increase for this type of parking. The State of California is endorsing that with density bonus, but that is not the case in this development. Another developer has asked this and may be coming in a future agenda. This type of parking may need to be considerably studied.

Council Member Henson asked staff to explain the difference in duets and duplexes. Planning Manager Anderly defined duets are in groups of two units and their walls are doubled and separate and sold separately.

Council Member Halliday asked about the alley ways in the project and asked their width and what part pertained to the group open space. Planning Manager Anderly responded that they could be about 10 feet of walkway with landscaping on each side.

Mayor Pro Tempore Jimenez asked who would be responsible for the maintenance of the basketball court and for the definition of abbreviations on the engineering reports. Staff defined them and reported that the maintenance will be the responsibility of the homeowners' association.

Mayor Pro Tempore Jimenez opened the public hearing at 9:22 p.m.

James Sullivan, representing Braddock and Logan, commended City staff for their two year efforts towards this development. He responded to Council concerns. He indicated that the one car garages to provide extra space for storage; that the hazardous materials must meet county regional water quality and ground water well standards and regional standards. In response to Council Member Dowling's concerns related to noise from air conditioning or heating units, he noted the use of new acoustical technology and newer construction techniques to address those issues. He also noted that currently gates are not warranted for this development. Lastly, Mr. Sullivan explained that he has had meetings with the neighbors of this area and noted the acreage increase to approximately seven acres.

Mayor Pro Tempore Jimenez closed the public hearing at 9:31 p.m.

Council Member Halliday indicated that she met with the developers for a better understanding of this project. She expressed her approval of this beautifully designed project but was disappointed

that it does not include affordable housing. She was not in favor of gated communities.

Council appreciated the Cannery Design Plan coming to fruition and the hard work of staff.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried with Mayor Cooper absent, to adopt the following:

Intro Ordinance 05-_, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Changing the Zoning from High-Density Residential (RH), Commercial Office (CO) and Single-Family Residential Districts to Planned Development (PD) District Pursuant to Zone Change Application No. PL - 2003-0657"

Resolution 05-004, "Resolution Summarily Vacating a Portion of Amador Street"

Resolution 05-005, "Resolution Certifying that the Initial Study and Mitigated Negative Declaration and Addendum have been Completed in Compliance with the California Environmental Quality Act and Conditionally Approving Tentative Tract Map No. PL 2003-0658, Zone Change Application No. 2003-0657, Site Plan Review PL 2003-0634 and an Amendment to the Hayward Cannery Area Design Plan"

COUNCIL REPORTS

There were no Council items.

ADJOURNMENT

Mayor Pro Tempore Jimenez adjourned the meeting at 9:40 p.m.

APPROVED:

Matt Jimenez, Mayor Pro Tempore, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward